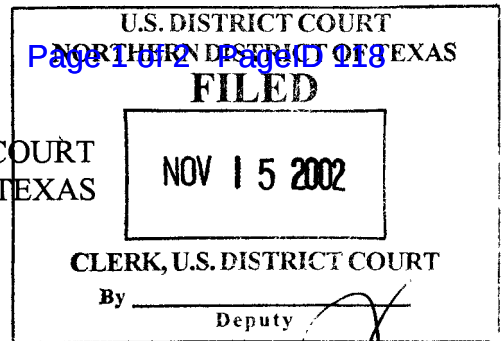


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



SABRE, INC.,

Plaintiff,

v.

AIR CANADA, INC.,

Defendant.

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Civil Action No. 3:02-CV-2016-L

ORDER

Before the court is Defendant's Emergency Motion for Continuance to Respond to Plaintiff's Motion for Partial Summary Judgment, filed November 12, 2002. Plaintiff filed its Motion for Partial Summary Judgment on November 5, 2002. Defendant now seeks to postpone the summary judgment proceedings, including its time to file a response to the motion, until after the court has ruled on Defendant's Motion to Dismiss for *Forum Non Conveniens*, or in the Alternative, to Stay on Grounds of International Abstention ("Motion to Dismiss or Stay").

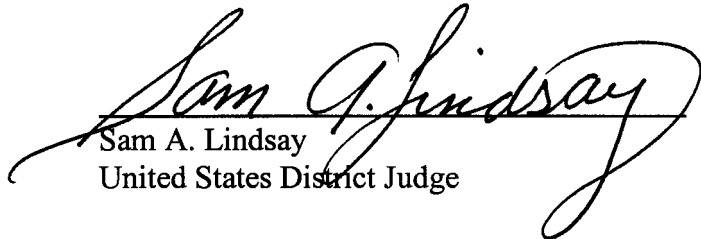
The court notes that Defendant's emergency motion is opposed. Pursuant to LR 7.1(e), Plaintiff is entitled to file a written response to the motion; however, the court determines that no response is necessary. Plaintiff filed its Original Complaint less than two months ago, on September 17, 2002. Shortly thereafter, on October 16, 2002, Defendant filed its Motion to Dismiss or Stay, which the court referred to the magistrate judge for proposed findings and recommendation on November 1, 2002. The court is convinced that it should determine the forum in which this litigation should proceed before it determines the merits of Plaintiff's claims. As such, it can think of no

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response that would persuade it to deny Defendant's motion to postpone the summary judgment proceedings at this early stage of the litigation.

Given the procedural posture of this case, and that the magistrate judge has placed Defendant's Motion to Dismiss or Stay on an accelerated briefing schedule, the court believes that the interests of justice would be best served if the summary judgment proceedings were stayed until after the magistrate judge has issued his findings and recommendation on the Motion to Dismiss or Stay and the court has issued its ruling on that motion. Defendant's Emergency Motion for Continuance to Respond to Plaintiff's Motion for Partial Summary Judgment is therefore **granted**. Defendant shall file its response, if necessary, to Plaintiff's Motion for Partial Summary Judgment within twenty (20) days after the court has issued its ruling on Defendant's Motion to Dismiss for *Forum Non Conveniens*, or in the Alternative, to Stay on Grounds of International Abstention.

It is so ordered this 15th day of November, 2002.


Sam A. Lindsay
United States District Judge